

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

JANE Y. JONES
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-134
Case No. 71-8704

S.S.A. No. - - - - -

The claimant appealed from Referee's Decision No. OAK-7326 which held the claimant was disqualified from benefits under section 1257(b) of the California Unemployment Insurance Code.

STATEMENT OF FACTS

The claimant has worked as an executive secretary for the past 15 years. She was most recently employed as an executive secretary for a realtor. That work ended July 14, 1971. For her services she received \$600 per month.

On August 30, 1971 a representative of the Department telephoned the claimant to inform the claimant of a potential work opportunity as a secretary in the Berkeley area. The work would have required the claimant's experience and background. The hours of work were 8:30 a.m. to 5:30 p.m. and the specified salary was \$655 per month. The prospective employer was situated in the Claremont Hotel in Berkeley.

The claimant declined the referral explaining that she was afraid to work in the Berkeley area. Approximately two years before she had been in Berkeley during the student riots and certain of the rioters had attempted to overturn her automobile. The particular situs of the potential work opportunity, however, was

in the quiet part of Berkeley and was directly accessible from Oakland without going near the campus of the University of California. The claimant had no prospects of other work at the time she refused the referral. The salary offered was well within the prevailing scale for the claimant's qualifications.

REASONS FOR DECISION

Section 1257(b) of the California Unemployment Insurance Code provides that a claimant shall be disqualified from benefits if he has without good cause failed to apply for suitable work when notified by a public employment office.

Suitable work is defined by section 1258 of the code in the following language:

"'Suitable employment' means work in the individual's usual occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this division.

"In determining whether the work is work for which the individual is reasonably fitted, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Any work offered under such conditions is suitable if it gives to the individual wages at least equal to his weekly benefit amount for total unemployment."

The prospective work was within the claimant's prior experience and involved the customary hours of work. The offered salary was within the prevailing scale for the claimant's qualifications and was in excess of that paid her during her most recent employment. At the time of

the referral the claimant had been unemployed for over six weeks and had no other prospects for securing employment. Accordingly, the work was in all respects suitable provided an undue risk to the claimant's health or safety was not posed.

A claimant who is in doubt as to the suitability of work to which he is referred should apply in person to the prospective employer and ascertain at firsthand whether the work is suitable.

The claimant in this case was notified of a job opening which was in all respects suitable to her. She did not apply for this work because she did not want to work in Berkeley as she had had an unpleasant experience in that city. Had she investigated the area of the work location, she would have found that it was far from the recent troubles and in a quiet section of Berkeley. Accordingly, we conclude that the claimant did not have good cause for her failure to apply for this suitable work and she is subject to disqualification under section 1257(b) of the code.

DECISION

The decision of the referee is affirmed. The claimant is disqualified from benefits under section 1257(b) of the code.

Sacramento, California, March 9, 1972.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

ROBERT W. SIGG, Chairman

CLAUDE MINARD

JOHN B. WEISS

DON BLEWETT

CARL A. BRITSCHGI